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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,594	07/31/2001	Franck Barillaud	AUS9-2001-0563-US1	5274

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,594

Applicant(s)

BARILLAUD, FRANCK

Examiner

Salad E Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/29/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been reviewed. Original claims 1-27 are pending. The rejections cited stated below.

Objection

2. The disclosure is objected to because of the following minor informalities:

Applicant is advised to provide the serial numbers of any related application with this instant application. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-7, 9-12, 15-16, 18-21, 24-25 and 27 are rejected under 35

U.S.C. 102(e) as being anticipated by Henrick U.S. Patent No. 6,507,727[hereinafter Henrick].

As per claim 1, Henrick discloses a method of exchanging data between computing devices, said method comprising:

identifying a receiving device (see col. 5, lines 15-17);

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sending a receiving agent to the receiving device, wherein the receiving agent identifies download data (see col. 4, lines 5-8 and col. 3, lines 21-50); and
downloading the identified download data to the receiving device (see col. 3, lines 45-50).

As per claim 2, Henrick discloses the method as described in claim 1 wherein the receiving agent includes a bootstrap agent (authorization code) and a lifecycle control agent (software agent 112) (see col. 5, lines 25-45).

As per claim 3, Henrick discloses the method as described in claim 1 further comprising: admitting a user of the receiving device to an event wherein the sending is performed in response to the admitting (see col. 3, lines 23-40),

As per claim 6, Henrick discloses the method as described in claim 1 further comprising: identifying a class of service (see col. 3, lines 26-50); and
sending content information corresponding to the class of service to the receiving device (see col. 3, lines 26-50).

As per claim 7, Henrick discloses the method as described on claim 6 wherein the class of service is selected from the group consisting of text only, video, video plus, and audio (see col. 3, lines 26-50);

9. The method as described in claim 1 further comprising:

identifying an event with an event identifier (see col. 3, lines 26-40 and col. 4, lines 31-35);

selecting event data corresponding to the event identifier (see col. 3, lines 26-40 and col. 4, lines 31-35); and

downloading selected event data to the receiving device (see col. 3, lines 26-40 and col. 4, lines 31-35).

As per claim 10, Henrick discloses an information handling system comprising:

one or more processors (see fig. 1, elements 103, 104);

a memory accessible by the processors(inherent);

a network interface (102) for communicating with other information handling systems (106); one or more nonvolatile storage areas accessible by the processors; and a data exchange tool for sending and receiving wireless information, the data exchange tool including:

means for identifying a receiving device(see col. 5, lines 15-17);

means for sending a receiving agent to the receiving device, wherein the receiving agent identifies download data(see col. 4, lines 5-8 and col. 3, lines 21-50); and

means for downloading the identified download data to the receiving device (see col. 3, lines 45-50).

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As per claim 11, Henrick discloses the information handling system as described in claim 10 wherein the means for the receiving agent includes a bootstrap agent and a lifecycle control agent (see col. 5, lines 25-45).

As per claim 12, Henrick discloses the information handling system as described in claim 10 further comprising means for admitting a user of the receiving device to an event (i.e., broadcasting event), wherein the sending is performed in response to the admitting (see col. 3, lines 26-40).

As per 15, Henrick discloses the information handling system as described in claim 10 further comprising:

means for identifying a class of service (see col. 3, lines 26-50); and

means for sending content information corresponding to the class of service to the receiving device(see col. 3, lines 26-50).

As per claim 16, Henrick discloses the information handling system as described in claim 15 wherein the means for the class of service is selected from the group consisting of text only, video, video plus, and audio (see col. 3, lines 26-50).

As per claim 18, Henrick discloses the information handling system as described in claim 10 further comprising means for identifying an event with an event identifier (see col. 3, lines 26-40);

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means for selecting event data corresponding to the event identifier(see col. 3, lines 26-40); and

means for downloading selected event data to the receiving device (see col. 3, lines 26-40).

As per claim 19, Henrick discloses a computer program product (see fig. 3) stored on a computer operable medium for exchanging data between computing devices, said computer program product comprising:

means for identifying a receiving device(see col. 3, lines 26-50);

means for sending a receiving agent to the receiving device, wherein the receiving agent identifies download data (see col. 4, lines 5-8 and col. 3, lines 21-50); and

means for downloading the identified download data to the receiving device (see col. 3, lines 45-50).

As per claim 20, Henrick discloses the computer program product as described in claim 19 wherein the means for the receiving agent includes a bootstrap agent (authorization code) and a lifecycle control agent (software agent 112) (see col. 5, lines 25-45).

As per claim 21, Henrick discloses the computer program product as described in claim

19 further comprising:

means for admitting a user of the receiving device to an event, wherein the sending is performed in response to the admitting (see col. 3, lines 26-40).

As per claims 24, Henrick discloses the computer program product as described in claim 19 further comprising:

means for identifying a class of service (see col. 3, lines 26-50); and

means for sending content information corresponding to the class of service to the receiving device.

As per claim 25, Henrick discloses the computer program product as described in claim 24 wherein the means for the class of service is selected from the group consisting of text only, video, video plus, and audio (see col. 3, lines 26-50);

As per claim 27, Henrick discloses the computer program product as described in claim 19 further comprising:

means for identifying an event with an event identifier(see col. 3, lines 26-40);

means for selecting event data corresponding to the event identifier(see col. 3, lines 26-40); and

means for downloading selected event data to the receiving device (see col. 3, lines 26-40).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 8, 13-14, 17, 22-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henrick in view of Landsman et al., U.S. Patent No. 6,785,659[hereinafter Landsman].

As per claims 4, 13 and 22, Henrick discloses substantial features of the claimed invention as discussed above with respect to claim 1.

Henrick is silent regarding:

determining whether the receiving agent is operational; and
reinitializing the receiving agent in response to the determination.

Landsman discloses an agent-based technique implemented in client server environment where a receiving agent (i.e., an applet) is downloaded to a client to receive download data such advertisement, including the step of determining whether the receiving agent is operational (see col. 23, line 63 to col. 64, line 10 and col. 33, lines 20-55) and reinitializing the receiving agent in response to the determination (see col. 23, line 63 to col. 64, line 10 and col. 33, lines 20-55). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of landsman determining whether the receiving agent is operational and reinitializing the receiving agent in response to the determination into Henrick's system such that thus advantageously providing persistence to the receiving agent.

As per claim 5, Henrick discloses the method as described in claim 4 wherein the

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receiving agent is selected from the group consisting of a bootstrap agent (authorization code) and a lifecycle control agent (software agent 112) (see col. 5, lines 25-45).

As per claim 8, Landsman discloses the method as described in claim 1 wherein the receiving agent includes a service time (see col. 6, line 60 to col. 35, line 12); setting a timer corresponding to the service time (see col. 6, line 60 to col. 35, line 12); and de-activating the receiving agent in response to the timer reaching the service time (see col. 6, line 60 to col. 35, line 12).

As per claim 14, Henrick discloses the information handling system as described in claim 13 wherein the means for the receiving agent is selected from the group consisting of a bootstrap agent (authorization code) and a lifecycle control agent (software agent 112) (see col. 5, lines 25-45).

As per claim 17, Landsman discloses the information handling system as described in claim 10 wherein the means for the receiving agent includes a service time (see col. 6, line 60 to col. 35, line 12); means for setting a timer corresponding to the service time (see col. 6, line 60 to col. 35, line 12); and means for de-activating the receiving agent in response to the timer reaching the service time (see col. 6, line 60 to col. 35, line 12).

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As per claim 23, Henrick discloses the computer program product as described in claim 22 wherein the means for the receiving agent is selected from the group consisting of a bootstrap agent and a lifecycle control agent (see col. 5, lines 25-45).

As per claim 26, Landsman discloses the computer program product as described in claim 19 wherein the means for the receiving agent includes a service time (see col. 6, line 60 to col. 35, line 12).

means for setting a timer corresponding to the service time ((see col. 6, line 60 to col. 35, line 12);and

means for de-activating the receiving agent in response to the timer reaching the service time (see col. 6, line 60 to col. 35, line 12).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to: (703) (872-9306).


Abdullahi Salad

Examiner Au 2157

10/29/2009